

1 A bill to be entitled

2 An act relating to the sale of surplus lands; amending
3 s. 373.089, F.S.; extending the time within which a
4 certified appraisal may be obtained for lands to be
5 sold as surplus; revising the procedures that a water
6 management district must follow for publishing a
7 notice of intention to sell surplus lands; authorizing
8 the governing board of a water management district to
9 sell certain lands acquired with Florida Forever funds
10 without first offering title to the lands to the Board
11 of Trustees of the Internal Improvement Trust Fund;
12 authorizing the governing board of a water management
13 district to sell parcels of land no longer needed for
14 conservation purposes and valued at or below a
15 specified threshold as surplus; requiring certain
16 notice before the sale of such parcels; providing
17 procedures for the sale of such parcels; authorizing a
18 restriction on future use as a condition of such sale;
19 reenacting s. 373.139(6), F.S., relating to the
20 disposition of certain lands acquired by a water
21 management district, to incorporate the amendment made
22 by the act to s. 373.089, F.S., in a reference
23 thereto; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:
26

27 Section 1. Subsections (1) and (3) of section 373.089,
 28 Florida Statutes, are amended, paragraph (e) is added to
 29 subsection (7), and subsection (8) is added to that section, to
 30 read:

31 373.089 Sale or exchange of lands, or interests or rights
 32 in lands.—The governing board of the district may sell lands, or
 33 interests or rights in lands, to which the district has acquired
 34 title or to which it may hereafter acquire title in the
 35 following manner:

36 (1) Any lands, or interests or rights in lands, determined
 37 by the governing board to be surplus may be sold by the
 38 district, at any time, for the highest price obtainable;
 39 however, in no case shall the selling price be less than the
 40 appraised value of the lands, or interests or rights in lands,
 41 as determined by a certified appraisal obtained within 360 ~~120~~
 42 days before the effective date of the contract for sale.

43 (3) Before selling any surplus land, or interests or
 44 rights in land, ~~it shall be the duty of the district~~ shall
 45 publish ~~to cause a notice of intention to sell to be published~~
 46 in a newspaper published in the county in which the land, or
 47 interests or rights in the land, is situated once each week for
 48 3 successive weeks. ~~(three insertions being sufficient),~~ The
 49 first publication of the required notice must occur at least
 50 ~~which shall be not less than 30 days, but not~~ not ~~nor~~ more than 360
 51 ~~45 days, before~~ prior to any sale and must include, ~~which notice~~
 52 ~~shall set forth~~ a description of lands, or interests or rights

53 | in lands, to be offered for sale.

54 | (7) Notwithstanding other provisions of this section, the
55 | governing board shall first offer title to lands acquired in
56 | whole or in part with Florida Forever funds which are determined
57 | to be no longer needed for conservation purposes to the Board of
58 | Trustees of the Internal Improvement Trust Fund unless the
59 | disposition of those lands is for the following purposes:

60 | (e) The portion of a land acquisition determined to be
61 | surplus at the time of acquisition.

62 | (8) (a) Notwithstanding other provisions of this section,
63 | if a parcel of land is no longer needed for conservation
64 | purposes and is valued at \$25,000 or less as determined by a
65 | certified appraisal obtained within 360 days before the
66 | effective date of the contract for sale, the governing board may
67 | sell the parcel as surplus. The governing board shall publish a
68 | notice of intention to sell required under subsection (3) only
69 | once. The notice shall be posted on the district's website and
70 | provided to adjacent property owners by certified mail.

71 | (b) Within 14 days after the notice under paragraph (a),
72 | the district may sell the parcel to an adjacent property owner
73 | or, if there are two or more adjacent property owners, accept
74 | sealed offers for the parcel and sell the parcel directly to the
75 | highest bidder or reject all offers.

76 | (c) Within 30 days after the notice under paragraph (a),
77 | the district shall accept sealed offers for the parcel and may
78 | sell the parcel directly to the highest bidder or reject all

79 | offers.

80 | (d) The district may include a restriction on the future
 81 | use of the parcel as a condition of the sale.

82 |

83 | In the event the Board of Trustees of the Internal Improvement
 84 | Trust Fund declines to accept title to the lands offered under
 85 | this section, the land may be disposed of by the district under
 86 | the provisions of this section.

87 | Section 2. For the purpose of incorporating the amendment
 88 | made by this act to section 373.089, Florida Statutes, in a
 89 | reference thereto, subsection (6) of section 373.139, Florida
 90 | Statutes, is reenacted to read:

91 | 373.139 Acquisition of real property.—

92 | (6) A district may dispose of land acquired under this
 93 | section pursuant to s. 373.056 or s. 373.089. However, no such
 94 | disposition of land shall be made if it would have the effect of
 95 | causing all or any portion of the interest on any revenue bonds
 96 | issued pursuant to s. 259.101 or s. 259.105 to fund the
 97 | acquisition programs detailed in this section to lose the
 98 | exclusion from gross income for purposes of federal income
 99 | taxation. Revenue derived from such disposition may not be used
 100 | for any purpose except the purchase of other lands meeting the
 101 | criteria specified in this section or payment of debt service on
 102 | revenue bonds or notes issued under s. 373.584.

103 | Section 3. This act shall take effect July 1, 2016.